

DISTRICT COURT (FIFTH DISTRICT : WASHINGTON COUNTY) [1682]

CIVIL CASE FILES, 1896-1955.

45 microfilm reels

DESCRIPTION: These case files from the Fifth District Court in Washington County document the legal process and the administration of justice in conjunction with a civil proceeding for the determination of a controversy between parties wherein rights are enforced or protected, or wrongs are prevented or redressed. Included are all cases which cannot legally be called "criminal cases". Records and documents pertaining to a particular action are filed together by the court clerk, who is required by the Rules of Civil Procedure to file pleadings and other legal papers. Collectively they constitute the case file.

A civil action commences with the filing of a complaint with the court or by service to the defendant of a summons together with a copy of the complaint. A unique case number is assigned by the court when the papers are filed with the clerk. The case file for a particular action includes the original complaint or summons together with all legal papers subsequently filed in connection with the court proceeding through disposition or dismissal. Included are such documents as: depositions (or written testimony), demurrers (which are pleas for the dismissal of a lawsuit on the grounds that even if the statements of the opposition are true, they do not sustain the claim), interrogatories (a pretrial discovery tool in which written questions are propounded by one party and served to the adversary, who must answer by written replies made under oath), answers, counter claims, replies, motions, petitions, affidavits (written statements made under oath before an officer of the court, notary public, or other authorized person), stipulations (an agreement between attorneys that concerns business before a court and is designed to simplify, shorten, or settle litigation and save costs), exhibit documents (written contracts, bills, receipts, etc.), notices, objections, citations, sheriff's certificates, judge's orders and rulings, judge's instructions to the jury, judge's findings of fact and conclusions of law, final decrees, judgments, and executions (the process of carrying into effect a court's judgment, decree, or order).

Demurrers, pleas, and exceptions for insufficiency were abolished in 1953. Transcripts (an official and certified copy of what transpired in court or at an out-of-court deposition) and exhibits (items of real evidence) are not included in the case files.

Petitions for divorce are the predominant type of action in the civil case files. Suits to recover money are also common. These actions arise out of failure to honor promissory notes or other contract terms and non- payment of rent, lease payments, and court-ordered judgments. Attempts by plaintiffs to recover medical costs and lost income arising out of personal injury cases resulting from alleged carelessness or neglect appear frequently. These include traffic mishaps or accidents involving neighbors, employees, or business customers. Property cases include disputed ownership, damage, and contested improvements.

Legal actions include voluntary withdrawal or dissolution of corporations as well as petitions for a writ of habeas corpus (a court order requiring that a prisoner be brought before a judge to decide the legality of his detention or imprisonment). Court business (grand jury lists and reports, orders summoning persons to serve as jurors, various writs, etc.) have also been assigned civil case numbers.

According to statute, the district court has jurisdiction in all civil matters not excepted by the state constitution and not prohibited by law. During each calendar year the court is required to hold at least three terms at the county seat of each county within the district. The county clerk in each county serves as ex- officio clerk to the court and is responsible for maintaining the case files for actions arising in that county.

Responsibility for cases involving minimal monetary claims was reassigned to the newly created small claims departments of inferior courts in 1933. When inferior courts have original jurisdiction, the district court is limited to hearing appeals. Included are violations of city and town ordinances, as well as minor traffic laws, where a City Court or Justice of the Peace Court is established. Upon receipt of an appeal, the district court conducts a complete retrial of the case.

ARRANGEMENT: Case files are arranged numerically by case number.

RELATED RECORDS: Series 18193 , CIVIL REGISTERS OF ACTION, record the date any action was taken on a case and briefly state what that action was. Series 23737 , REGISTER OF ACTIONS, is a register for criminal and probate cases as well as civil cases from 1895-1899. Series 26330 , JUDGMENT RECORD BOOKS, contains the text of judgment rendered in court cases. Series 26247 , INDEX TO CIVIL AND CRIMINAL ACTIONS, is an index for civil and criminal cases from 1896-1937. The researcher should also consult the holdings of the First and Second District Courts, and of the Washington County Probate Court, for civil case records from Washington County during the territorial period.

CUSTODY HISTORY: All case files created between 1896 and 1955 were transferred to the Utah State Archives in 2007. For access to case files post-1955 researchers should contact the clerk of the Fifth District Court in Washington County.

PROCESSING NOTE: This series was archivally processed by Jim Kichas and Emily Gurr in December 2007 as part of a grant project designed to preserve the historic records of Utah's Fifth District Courts.

PREFERRED CITATION: Cite the Utah State Archives and Records Service, the creating agency name, the series title, and the series number.

CONTAINER LIST

Reel	Description	Dates
1	Case Files: 1 - 51	1896-1905
2	Case Files: 52 - 71	1906-1909
3	Case Files: 72 - 104	1909-1913
4	Case Files: 105 - 134	1913-1915
5	Case Files: 135 - 161	1916-1918
6	Case Files: 162 - 199	1918-1919
7	Case Files: 200 - 226	1919-1921
8	Case Files: 228 - 289	1921-1923
9	Case Files: 290 - 311	1923-1924
10	Case Files: 312 - 335	1924-1925
11	Case Files: 336 - 368	1925
12	Case Files: 369 - 398	1925-1926
13	Case Files: 399 - 434	1926-1927
14	Case Files: 435 - 464	1927-1928
15	Case Files: 465 - 494	1928-1929
16	Case Files: 494 - 527	1929

Reel	Description	Dates
17	Case Files: 528 - 1929-1930 570	
18	Case Files: 571 - 1930 615	
19	Case Files: 616 - 1931-1932 672	
20	Case Files: 673 - 1932-1933 723	
21	Case Files: 724 - 1933-1934 767	
22	Case Files: 768 - 1934-1936 817	
23	Case Files: 818 - 1935-1936 869	
24	Case Files: 870 - 1936-1937 906	
25	Case Files: 907 - 1937 971	
26	Case Files: 972 - 1937-1938 1069	
27	Case Files: 1070 1937-1939 - 1129	
28	Case Files: 1130 1939-1940 - 1216	
29	Case Files: 1217 1940-1941 - 1244	
30	Case Files: 1245 1940-1941 - 1321	
31	Case Files: 1322 1941-1943 - 1389	
32	Case Files: 1390 1943-1945 - 1465	
33	Case Files: 1466 1945-1946 - 1535	
34	Case Files: 1536 1946-1947 - 1597	
35	Case Files: 1598 1947-1948 - 1677	
36	Case Files: 1678 1948-1949 - 1759	
37	Case Files: 1760 1949-1950 - 1839	
38	Case Files: 1840 1950-1951 - 1915	
39	Case Files: 1931 1951-1952 - 2009	
40	Case Files: 2009 1952 - 2060	

Reel	Description	Dates
41	Case Files: 2061	1952-1953
	- 2111	
42	Case Files: 2112	1953-1954
	- 2192	
43	Case Files: 2193	1954
	- 2264	
44	Case Files: 2265	1954-1955
	- 2336	
45	Case Files: 2337	1955
	- 2379	